

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GLENN H. OLAY,
Plaintiff,
v. Civil Action No. 04-266 Erie

HENRY M. HEARNE,
Plaintiff,
v. Civil Action No. 04-276 Erie

PAUL L. PLYLER,
Plaintiff,
v. Civil Action No. 04-277 Erie

WILLIAM F. LUNDER,
Plaintiff,
v. Civil Action No. 04-278 Erie

LYNN A. RHODES,
Plaintiff,
v. Civil Action No. 04-279 Erie

TERRY K. ROCKWELL,
Plaintiff,
v. Civil Action No. 04-280 Erie

MOTION CONTROL INDUSTRIES,
DIVISION OF CARLISLE CORPORATION,
RETIREMENT PLAN FOR BARGAINING
UNIT EMPLOYEES OF MOTION
CONTROL INDUSTRIES, DIVISION OF
CARLISLE CORPORATION,
Defendants.
Judge Maurice B. Cohill, Jr.

VERIFICATION OF TECHNICAL FAILURE FILER'S EQUIPMENT

Please take notice that plaintiffs were unable to file Plaintiffs' Appendix to Concise Statement of Material Facts in a timely manner because of technical difficulties. The deadline for filing the Appendix to Concise Statement of Material Facts was March 31, 2006. The reason

that I was unable to file Plaintiffs' Appendix to Concise Statement of Material Facts in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth herein.

On Friday, March 31, 2006, I attempted to file Plaintiffs' Appendix to Concise Statement of Material Facts and was not able to upload the exhibits. I was able to file all other documents related to this Appendix in a timely manner. I thought that perhaps late afternoon net traffic had bogged down the court's server and would try to file the Appendix again on Saturday, April 1, 2006, when I thought net traffic would be reduced. However, I was still not able to upload the exhibits. This is the error screen I get after the upload times out:

Parse error undefined dpf called "doc" in line doc;PickFiler('nogroup','showtermpty');Display('Appendix to which?');rel('misc+apndx+', 'o', 'all', 'pendterm', 'dates', 'docnum');DocketText('edit:crt,jud');CreateDktEntry(); - function - doc

I have copied opposing counsel with a copy of the attachments.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

JUBELIRER, PASS & INTRIERI, P.C.

BY: /s/ Jason Mettley 

Jason Mettley, Esquire
Pa. I.D. 81966

219 Fort Pitt Boulevard
Pittsburgh, Pennsylvania 15222
(412) 281-3850

Attorney for Plaintiffs